

**Appln No. 10/506,294**  
**Amdt date September 13, 2006**  
**Reply to Office action of March 15, 2006**

**REMARKS/ARGUMENTS**

The above amendments and the following remarks are submitted in response to the Office action of March 15, 2006. Claims 13 and 26 are amended. No claims are added and no claims are canceled. Claims 1-26 remain pending.

On page 2 of the Office action, claims 7-9 are rejected under U.S.C. 112, as allegedly failing to comply with the written restriction requirement. Applicant respectfully traverses these rejections. Page 3, lines 11-15 of the Substitute Specification recites that the applicator head may be displaceable in a straight line from a starting position to an applicator position. The starting position is defined as the position it receives, for example, the flat material element. The applicator position is defined as the position in which it applies the flat material element to the object. This portion of the written description also recites that the applicator head has a pad receiving means into which the applicator pad can be reversibly inserted. The receiving means and direction of inserting the applicator pad is also discussed on page 7, line 28 to page 8, line 7 of the Substitute Specification. Page 3, lines 14-15 also recite that the insertion direction is transverse to the displacement line of the applicator head, as discussed above. Applicant respectfully submits that this description is clearly sufficient to convey to one of ordinary skill in the art that the inventor had possession of the claimed invention. The Examiner did not mention any elements of claims 8 and 9 that were not supported by the written description, so Applicant will not address these individually, but points to Page 3, lines 16-21, elements 40, 24d, 24ab, and 42a in FIGs. 2 and 4, and the related detailed description for support. Applicant therefore respectfully requests that these rejections be withdrawn.

On page 2 of the Office action, claims 1-26 are rejected under 35 U.S.C. 112, as being allegedly indefinite. Applicant respectfully traverses these rejections. Regarding claims 1-6, 10-12, and 14-25, the Examiner has not pointed out any language she considers indefinite, but requests that the Applicant review the claims to correct any inconsistencies found. Applicant has done so and has not found any such inconsistencies. However, Applicant invites the Examiner to contact the undersigned at the telephone number below to discuss any problems she finds that are not listed in the Office action.

**Appln No. 10/506,294**  
**Amdt date September 13, 2006**  
**Reply to Office action of March 15, 2006**

Regarding claims 7-9, Applicant respectfully submits that the terms are definite and either defined as discussed above in the Substitute Specification, or are readily understandable by their plain meaning. Again, if the Examiner disagrees, Applicant's representative would be happy to discuss the language and resolve any outstanding issues. Regarding claim 13, Applicant has resolved the antecedent basis issue by amending the claim to depend from claim 6. Regarding claim 26, Applicant has amended claim 26 to depend from claim 18, and has thus resolved the antecedent basis issue. Applicant therefore respectfully requests withdrawal of the rejections to claims 1-26.

On pages 3-4 of the Office action, claims 1-4, 6, 10, 13, 15-17, 19, 20, 22, and 23 are rejected under 35 U.S.C. 102(b) as allegedly anticipated by Von Hofe. Applicant respectfully traverses this rejection. Von Hofe discloses an applicator device that holds labels A' to be applied to a support 24, 26 by means of a vacuum in order to cut them at the desired length from the label web. The cut label A' is then grasped by the applicator head 17 using a vacuum and applied to a product. Col. 1, line 37 - Col. 3, line 24. The application surface of the applicator head 17 is formed by a first metal plate 39 which is attached to a second metal plate 36 and which is provided with bores 40 oriented perpendicular to the application surface, through which air can be sucked in. A vacuum chamber 32 above the second plate 36 interconnects bores 40. Both plates 36 and 39, which are made of metal, may be reversibly inserted into a guide in a direction transverse to the direction of motion of the applicator head 17. Col. 3, lines 25-63.

In order to be able to reliably suck and hold a label A' of any shape by means of a vacuum, a further thin metal plate, or shim, 41 is clamped between plates 36 and 39. Holes 40 corresponding to the shape of the label are bored into the plate wherein the remaining parts of this thin metal plate cover the unnecessary holes in plates 36, 39. Col. 3, lines 5-73.

Applicant cannot find any teaching or suggestion in Von Hofe of an applicator head having an applicator surface having at least two perforatable, weak locations, i.e., locations of a reduced thickness when compared to the rest of the plate. In fact, the shim of Von Hofe appears to be of a uniform thickness and, although holes 40 may be bored through the shim in any location, these holes 40 do not constitute at least two perforatable, weak locations. The phrase

**Appln No. 10/506,294**  
**Amdt date September 13, 2006**  
**Reply to Office action of March 15, 2006**

"at least two perforatable, weak locations" implies that the application pad of the invention has some different locations in addition to the "weak locations." If, however, the thin plate of Von Hofe as a whole is considered a perforatable weak location as it may be bored anywhere, there is no disclosure of "at least two" perforatable weak locations. Moreover, Applicant cannot find any disclosure in Von Hofe that the shim is an applicator surface, and it appears to actually be located behind the plate 39. Because Von Hofe does not disclose every limitation of claim 1, Applicant respectfully submits that claim 1 is not anticipated and requests that the rejections to claim 1 and its dependent claims be withdrawn.

Regarding claims 2 and 3, Applicant respectfully submits that, even if the entire surface of the shim of Von Hofe were considered to be a perforatable weak location, Von Hofe does not disclose any arrangement of this location, and it is unclear how the entire surface of the shim could be "regularly arranged" or "distributed" on the surface. For at least these reasons, Applicant submits that claims 2 and 3 are independently allowable over Von Hofe.

Regarding claim 4, Applicant cannot find any disclosure of grooves on the applicator surface, which the Examiner has claimed corresponds to the shim 41. The shim does not appear in FIG. 6, as referenced by the Examiner. Applicant therefore respectfully submits that claim 4 is independently allowable over Von Hofe.

Regarding claim 15, the Examiner states that Von Hofe discloses "perforated *or* weak locations" on the mounting frame corresponding to weak locations on the shim. Applicant cannot find any disclosure of weak locations on either the mounting frame 36 or the shim, as discussed above. The mounting frame 36 appears to have holes, but it is unclear how holes would disclose "weak portions" of material. Applicant therefore respectfully submits that claim 15 is independently allowable over Von Hofe.

Regarding claim 16, Applicant cannot find and the Examiner has not pointed out any disclosure in Von Hofe of the applicator plate having a thickness that allows a removal of material for adapting the applicator's surface to the flat material element. Applicant therefore respectfully submits that claim 16 is independently allowable over Von Hofe.

**Appln No. 10/506,294**  
**Amdt date September 13, 2006**  
**Reply to Office action of March 15, 2006**

Regarding claims 19 and 20, Applicant again submits that the holes of Von Hofe are not "weak locations" arranged either in a raster grid configuration or in rows and columns. Applicant therefore respectfully submits that claims 19 and 20 are independently allowable.

On pages 4 and 5 of the Office action, claims 1-5, 13, 15, 18, 21, and 26 are rejected as allegedly being anticipated by Becker. Applicant respectfully traverses these rejections. Becker describes a device for retaining flexible objects. The device is provided with a multi-zone attachment 10. By means of a vacuum to be applied to the various zones of the attachment 10, certain products may be retained. Col. 2, line 60 - Col. 3, line 14. In particular the multi-zone attachment 10 includes a transparent plate 14 provided with holes 22 and a further plate 16 attached to plate 14. Plate 16 is provided with a plurality of discrete channels 18 on its side facing plate 14, and is further provided with openings for valves 32 on its other side. A vacuum can be applied through the valves 32 to certain zones of the attachment 19 depending on the size of the product to be retained. Col. 4, line 46 - col. 5, line 25.

Despite the contentions of the Examiner, Applicant submits that apertures 22 do not disclose weak locations of material, but rather a lack of material entirely. Applicant further submits that the fact that a hypothetical tool may form perforations in a surface that does not have these weak locations does not constitute disclosure of such weak locations. Because Becker fails to disclose at least this limitation of claim 1, Applicant requests that the rejection to claim 1 and its dependent claims 2-5, 13, 15, 18, 21, and 26 be withdrawn.

Regarding claims 2-3 and 15, Applicant respectfully submits that Becker fails to disclose weak locations on the flat plate 14 that are regularly arranged or distributed on its surface, or that the grooves are aligned with any weak locations on the flat plate 14. Applicant therefore respectfully submits that claims 2-3 and 15 are independently patentable over Becker.

On page 5, claims 11 and 12 are rejected as allegedly obvious over Von Hofe in view of Tiefel and on page 6, claims 14, and 24 in view of Wood. Applicant respectfully traverses these rejections. As discussed above, Von Hofe does not teach or suggest an applicator head having an applicator surface having at least two perforatable, weak locations. Both Tiefel and Wood fail to cure this deficiency. Tiefel, in fact, teaches a system with "pins disposed for sliding motion

**Appln No. 10/506,294**  
**Amdt date September 13, 2006**  
**Reply to Office action of March 15, 2006**


within the plate to selectively block and unblock the fluid communication between selected ones of the holes." Because Tiefel closes the existing holes rather than opening or perforating existing weak locations, one skilled in the art would not be motivated to combine Tiefel with Von Hofe to practice Applicant's invention. Because Von Hofe, Tiefel, and Wood, or any motivated combination of Van Hofe with either of the two references, fail to teach or suggest at least this limitation, Applicant respectfully submits that claims 11, 12, 14, and 24 are not obvious and requests allowance.

Applicant notes with appreciation that the Examiner has indicated that claim 25 is allowable.

In view of the foregoing amendments and remarks, it is respectfully submitted that this application is now in condition for allowance, and reconsideration and allowance is therefore requested. If the Examiner does not agree, she is kindly requested to contact the undersigned to discuss any remaining issues.

Respectfully submitted,  
CHRISTIE, PARKER & HALE, LLP

By

  
\_\_\_\_\_  
Rose A. Hickman  
Reg. No. 54,167  
626/795-9900

RAH/rah

EAI PAS699897.1-\*09/13/06 11:11 AM